

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES E. SIMONIS,	)	
	)	CASE NO. 1:17CV2071
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
OFFICER G. JOHNSON,	)	
	)	<b><u>MEMORANDUM OF OPINION</u></b>
Defendant.	)	<b><u>AND ORDER</u></b>

The Complaint ([ECF No. 1](#)) in this prisoner civil rights case was filed on October 2, 2017. In an entry dated January 4, 2018 ([ECF No. 9](#)), *Pro Se* Plaintiff James E. Simonis was ordered to file with the Clerk of Court on or before January 25, 2018 an appropriate application for entry of default pursuant to [Fed. R. Civ. P. 55\(a\)](#) and an appropriate motion, affidavit, and proposed order for default judgment pursuant to [Fed. R. Civ. P. 55\(b\)](#) or show cause why the above-entitled case should not be dismissed for want of prosecution. Although the due date has come and gone, Plaintiff has not sought additional time and has not filed either an application for entry of default or a motion, affidavit, and proposed order for default judgment.

Accordingly, this action is hereby dismissed without prejudice for want of prosecution.

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Furthermore, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

January 31, 2018  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge